

TOWN OF PLYMOUTH PLANNING COMMISSION
AND ZONING BOARD OF ADJUSTMENT

SEPTEMBER 7, 2021
MINUTES

Chairman Mike Coleman called the meeting to order at 7:00 P.M.

Board members in attendance were Mike Coleman, Jay Kullman, Anne Brown, Keith Cappellini, Rick Kaminski, Rick Martin, and Bruce Pauley

Also in attendance in the audience were Kathy and Richard Ruggiano, Tim Sink, Rich Weiss, and Carl Roller.

Anne Brown made a motion to approve the minutes of the July 6, 2021 meeting, after a correction of the time deliberations began in the 5th paragraph. Bruce Pauley seconded the motion. All were in favor.

The Vey Conditional Use and Variance application was presented first. The property, located at 990 Scout Camp Rd. is within the Shoreland Overlay of the town's zoning map. Rich Weiss described the current condition of the house, built in the 1930's, having an unstable foundation. The house appears to be sinking, as its entrance is now below the surface of Scout Camp Rd. They would like to demolish the existing house and rebuild in the same footprint, with a poured foundation that would elevate the new structure above the level of the road. Installed drainage would divert the flow of water around the foundation rather than through the existing crawl space beneath the house. He stated the property has a drilled well, a modern septic system which was permitted for 3 bedrooms in 1997, and parking for 3 vehicles. He stated the existing structure is 30' from Scout Camp Rd. and will remain a 3- bedroom house. The impervious surface is currently 20% of the total area and will not increase. Potential damage due to soil compaction during construction could necessitate the removal of one large tree on the property. The hearing was closed at 7:20 P.M.

The Ruggiano hearing was presented next. The board chairman asked why a town zoning application had not been submitted until after a Notice of Zoning Violation had been issued. A complaint was filed under the Shoreland Protection Act (Complaint # 19ec01159), to which Laura Dlugolecki, Co-Coordinator of Lakes and Ponds Permitting, responded. A letter was sent on November 25, 2019, asking for more information regarding the active construction occurring at 22 Amherst Rd.

Mr. Ruggiano responded by phone to the letter on November 29, 2019, and received a return call on December 5, 2019 from Laura Dlugolecki. He stated he was putting on a new roof, new windows and enclosing an existing deck. Under the Shoreland Protection Act., the maintenance of an impervious surface footprint in existence prior to July 1, 2014 is exempt from permitting. Since the activities were identified as exempt (meaning no Shoreland Permit required), the complaint investigation was closed on December 5, 2019 with no violation found. Mr. Ruggiano thought the exemption from permitting from the state was all that was necessary.

Mr. Ruggiano explained snow and ice were causing a problem at the entrance to his house and damaging the existing deck. He erected an 'A' roof to divert the snow and ice away from the entrance and enclosed the deck in order to have a dining room on the first floor. He explained the driveway on Amherst Rd. causes access problems in heavy rains, but it provides access to the second home on the road. He has a more convenient access from Route 100.

The board had questions regarding elevation above Echo Lake (about 40 ft.), they noted he meets all the set-back requirements and no new bedrooms have been added.

The hearing closed at 7:45 P.M.

Next the board reviewed the Conditional Use Standards and how they might be revised to make them more user friendly. Also discussed were adding approved zoning permits to the town web-site and long-term management and storage of zoning permits, and records, maps and surveys.

Deliberations regarding the Vey Conditional Use hearing and Variance request began at 8:25 P.M. The board chairman noted that all Conditional Use Submission Standards were met. The building design is in keeping with the character of the area, there is sufficient area for parking, it will not result in an increase of traffic in the area, and it is a pre-existing, non-conforming small lot. The existing structure fails to meet the set back from the road. The new structure will not increase the non-conformity. The board reviewed the zoning ordinance regarding the maximum height limitation of 35 ft., which is measured from the average ground level. They agreed the following conditions should be stated: The maximum height of 35 ft. be adhered to and tree removal be restricted unless necessary, due to damage and / or soil compaction during construction.

Bruce Pauley made a motion to approve the Conditional Use application with conditions:
Anne Brown seconded the motion. All were in favor.

Deliberations regarding the Ruggiano Conditional Use application were held next. The Board chairman noted all submission standards were met. He noted there is adequate parking and access for fire trucks, the structure is in keeping with other structures in the area of single- family homes, it poses no adverse effect for traffic, meets all the set backs for zone RR5, and no additional bedrooms were built or planned.

Rick Martin motioned to approve the application. Anne Brown seconded the motion. All were in favor.

The meeting was adjourned at 8:45 P.M.

Respectfully submitted,

Elaine Pauley
Secretary, Planning Commission